

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT MISSISSIPPI
NORTHERN DIVISION

DERRICK FRANKLIN

PLAINTIFF

V.

CIVIL ACTION NO.: 3:16-CV-655 TSL-RHW

ZEWDIE DUGDA
AND SKYMILE LOGISTICS

DEFENDANTS

PRETRIAL ORDER

1. Choose [by a mark] one of the following paragraphs, as is appropriate to the action:

If a pretrial conference was held

A pretrial conference was held as follows:
Date: July 16, 2018 Time: 9:00 a.m.
United States Courthouse at: Jackson, Mississippi
before the following judicial officer: District Judge Tom Lee

2. The following counsel appeared:

a. For the Plaintiff:

	Postal and Email Addresses	Telephone No.
Rocky Wilkins, Esq.	Morgan & Morgan 4450 Old Canton Rd. Suite 200 Jackson, MS 39211 rocky@forthepeople.com	601-503-1654
Paul V. Ott, Esq.	Morgan & Morgan 4450 Old Canton Rd. Suite 200 Jackson, MS 39211 pott@forthepeople.com	601-503-1667

b. For the Defendant:

<u>Name</u>	<u>Postal and Email Addresses</u>	<u>Telephone No.</u>
Rob Mink, Sr. Esq.		
Rob Mink, Jr., Esq.		
Ryan Cook, Esq.	Mink & Mink 1000 Highland Colony Pkwy Building 5000, Suite 5203 Ridgeland, MS 39157 rob@minklaw.com	601-427-4745

3. The pleadings are amended to conform to this pretrial order.
4. The following claims (including claims stated in the complaint, counterclaims, crossclaims, third-party claims, etc.) have been filed:
Negligence
5. The basis for this Court's jurisdiction is:
Diversity jurisdiction pursuant to 28 U.S.C. § 1332
6. The following jurisdictional question(s) remain:
None
7. The following motions remain pending:
None
8. The parties accept the following **concise** summaries of the ultimate facts as claimed by:

a. Plaintiff:

On August 11, 2016, Plaintiff Derrick Franklin suffered severe injuries including a broken right hip, gash on his head, broken left arm, cut on finger on right hand, and a cut on his left ankle. These injuries are permanent.

This case involves two collisions involving three tractor trailers. The collisions occurred on Interstate 20 in the early morning on August 11, 2016 in Newton County, Mississippi.

Defendant Zewdie Dugda was the lead vehicle and he was driving for Skymile Logistics. Derrick Franklin was driving behind Mr. Dugda and Mr. Franklin was driving for Double J Trucking. The Plaintiff contends that Mr. Dugda was driving too slow without lights

and that caused Mr. Franklin to rear end Mr. Dugda. Mr. Dugda tried to park on the shoulder. However, Mr. Dugda did not drive his vehicle completely off the interstate and was partially blocking the right lane of I-20. Mr. Dugda did not pull far enough ahead which blocked Mr. Franklin from removing his vehicle completely off the roadway. Immediately thereafter, a UPS tractor trailer being driven by Larry Robinson struck the rear of Mr. Franklin's vehicle, causing Mr. Franklin to rear end Mr. Dugda.

b. Defendant

Zewdie Dugda was traveling east on I-20 in Newton County at 60 to 65 miles per hour when he was hit from behind by Defendant Derrick Franklin. There was an eighteen-wheeler directly in front of Dugda and an eighteen-wheeler on his left when Franklin hit him from behind. Dugda came to a stop on the right shoulder of the road with his left tires positioned about four feet into the traveled portion of the road. About a minute after stopping his truck, Dugda was hit from behind a second time by Franklin, whose truck had been hit by UPS driver Larry Robinson.

9.
 - a. The following facts are established by the pleadings, by stipulation, or by admission:
 1. The incidents happened on August 11, 2018 in Newton County, Mississippi on I-20.
 2. The maximum speed limit on I-20 in the area of the collisions was 70 mph and the minimum speed limit was 40 mph.
 3. Mr. Franklin suffered injuries due to the collisions.
 - b. The contested issues of fact are as follows:
 1. Whether Mr. Dugda violated the minimum speed limit.
 2. The nature and extent of the Plaintiff's physical and emotional injuries.
 3. Whether Mr. Dugda was negligent or negligent per se.
 4. Whether Mr. Franklin was negligent or negligent per se..
 5. Whether UPS driver Larry Robinson was negligent.
 6. All disputed issues of fact from the parties' summary of the facts above.
 7. How close the vehicles were after the first impact.
 8. Whether Mr. Dugda's log books were wrong or falsified.

9. Whether the Plaintiff is permanently injured as a result of the wreck
10. Whether the Plaintiff incurred approximately \$283,000.00 in medical bills caused by the wreck
11. Whether Mr. Franklin was under the influence of marijuana at any time relevant to the collisions. (OBJECTED TO BY PLAINTIFF)
12. Whether Mr. Franklin was medically qualified to operate a commercial vehicle at the time of the collisions. (OBJECTED TO BY PLAINTIFF)
13. Whether Mr. Franklin hit the rear of Mr. Dugda because Mr. Dugda was violating the minimum speed limit.
14. Whether Mr. Dugda did not have on his flashing safety hazards on at the time of the collisions.
15. Whether Mr. Dugda's log book states that he traveled from Shreveport, Louisiana doing 259 miles in 3.5 hours leading up to the crash site in Newton County, Mississippi
16. Whether VORAD data shows Mr. Dugda was traveling below 40 mph at the time of the first impact
17. Whether Mr. Dugda stopped his vehicle after the first impact with it partially blocking the right lane of I-20
18. Whether the Defendants' conduct warrants punitive damages. (OBJECTED TO BY DEFENDANTS – PUNITIVE CLAIMS DISMISSED ON SUMMARY JUDGMENT)
 - c. The contested issues of law are as follows:
 1. Whether Mr. Dugda was negligent
 2. Whether Mr. Dugda was negligent *per se* for violating the minimum speed limit per Miss. Code Ann. 63-3-509
 3. Whether Mr. Dugda was negligent *per se* for not pulling completely off I-20 per Miss. Code An.. 63-3-903
 4. Whether Mr. Franklin was negligent

5. Whether Mr. Franklin was negligent per se for operating a commercial vehicle while medically unqualified to do so. (OBJECTED TO BY PLAINTIFF SEE MOTION IN LIMINE)
6. Whether Mr. Franklin was negligent per se for operating a commercial vehicle while under the influence of marijuana. (OBJECTED TO BY PLAINTIFF SEE MOTION IN LIMINE)
7. Whether Mr. Robinson was negligent
8. What if any apportionment of fault should be attributed to Mr. Dugda, Mr. Franklin, and Mr. Robinson
9. Whether Mr. Dugda's violation of the minimum speed, if any, was a hazard (PHRASING OBJECTED TO BY DEFENDANT)
10. Whether Mr. Dugda's conduct warrants punitive damages (OBJECTED TO BY DEFENDANT – PUNITIVE CLAIMS DISMISSED ON SUMMARY JUDGMENT)
- 10.** The following is a list and brief description of all exhibits (except exhibits to be used for impeachment purposes only) to be offered in evidence by the parties. **Each exhibit has been marked for identification and examined by counsel.**
 - a. To be offered by the Plaintiff:

NUMBER	DESCRIPTION	SPONSOR	ID.	EVID.
P-1	Carthage Ambulance Service Medical Records (redacted)(ID ONLY)			
P-2	Metro Ambulance Medical Records (redacted))(ID ONLY)			
P-3	Anderson Regional Medical Center Medical Records (redacted))(ID ONLY)			
P-4	Medical Surgical Arts Group Medical Records (redacted))(ID ONLY)			
P-5	University of MS Medical Center Medical Records (redacted))(ID ONLY)			

P-6	Grady Hospital Medical Records (redacted))(ID ONLY)			
P-7	CDs of Radiology Films from Grady Hospital (redacted))(ID ONLY)			
P-8	Concentra Medical Centers (UPS 45 001-009) (redacted)			
P-9	Medical Bills (redacted)			
P-10A&B	Expert Reports of Shane Remy)(ID ONLY)			
P-11	Expert Report of Dr. Ralph Bell (ID ONLY)			
P-12	Curriculum Vitae of Shane Remy (ID ONLY)			
P-13	Curriculum Vitae of Dr. Ralph Bell)(ID ONLY)			
P-14	Statement of Zewdie Dugda taken by UPS 8/11/16			
P-15	Expert File of Shane Remy			
P-16	MHP Uniform Crash Report 1 (UPS 1 001-006)			
P-17	MHP Uniform Crash Report 2 (UPS 2 001-008)			
P-18	MHP Photographs			
P-19	5 photos of 2435 Skymile Headlight Inspection 11-15-16			
P-20	42 photos of 2435 Skymile Headlight Inspection 11-15-16 (part 2)			
P-21	16 microscopic photos Mink bulb			
P-22	UPS Photographs			
P-23	Demetrius Williams Statement (UPS 12)			
P-24	Bendix-VORAD data download info on Double J Tractor (UPS 13 001-032)			
P-25	WITHDRAWN			
P-26	WITHDRAWN			

P-27	Volvo Data Imaging Report for Double J (UPS 14 001-034)			
P-28	DDEC Report for Skymile (UPS 15 001-055)			
P-29	MHP Reconstructionist Measurement Data Log by Cpl. Josh Dority (UPS 16 001-2)			
P-30	Tachograph Report of Larry Robinson (UPS 23 001-012)			
P-31	Scott County Sheriff's Department Report (UPS 24 001-002)			
P-32	Newton County Emergency Management (UPS 25 001-008)			
P-33	22 photographs taken by Zewdie Dugda (Item 22-Page 1 – Page 22)			
P-34	ECM Detroit Skymile Combined Report including DDL, DDEC Report, Wabco ABS			
P-35	11 Photographs taken by Phenix Towing			
P-36	37 Photographs of lights taken by ASI/Brett Alexander			
P-37	40 Photographs of scene taken by ASI/Brett Alexander			
P-38	6 Photographs taken by Derrick Franklin			
P-39	14 Photographs taken by Robert Thorpe			
P-40	Video 1 taken by Robert Thorpe IMG_2850 (00:17)			
P-41	Video 2 taken by Robert Thorpe IMG_2897 (00:12)			
P-42	UPS Download			
P-43	ASI Scaled Diagram			
P-44	Zewdie Dugda deposition transcript)(ID ONLY) and exhibits			
P-45	Brad Lovelace transcript)(ID ONLY) and exhibits			
P-46	Robert Thorpe transcript)(ID ONLY) and exhibits			

P-47	Zewdie Dugda Texas DPS CDL Records (UPS 30 001-105)			
P-48	Zewdie Dugda Log Books			
P-49	Federal Motor Carrier Safety Regulations			
P-50	SAFER Web information regarding Skymile			
P-51	WITHDRAWN			
P-52	Pleadings			
P-53	Mississippi Professional Driver's Manual			
P-54	MCA Section 63-3-509			
P-55	MCA Section 63-3-903			
P-56	Damages chart			
P-57	Blank log			
P-58	WITHDRAWN			
P-59	20 photos of scene for Shane Remy			
P-60	Shane Remy aerial diagram of scene with photos			
P-61	Shane Remy VORAD Data			
P-62	Handwritten Statement of Zewdie Dugda			
P-63	Dane Maxwell Report (ID ONLY)			
P-64	Dane Maxwell C.V. (ID ONLY)			
P-65	Shane Remy Base Diagram			

The authenticity and admissibility in evidence of the preceding exhibits are stipulated. If the authenticity or admissibility of any of the preceding exhibits is objected to, the exhibit must be identified below, together with a statement of the specified evidentiary ground(s) for the objection(s):

P-10 A & B: Defendants have been provided only one Remy report. If there is a second report, Defendants object on grounds that it was not produced.

P-25: Not produced in discovery (defendants don't recognize "EL611 graphs")

P-26: Not produced in discovery (defendants don't recognize "Watson-Heidelberg-Jones EL611")

P-36 & 37: Inadmissible hearsay if Brett Alexander is not called to testify; duplicative; not relevant.

P-43: Inadmissible hearsay if Brett Alexander is not called to testify; duplicative; not relevant.

P-42: Irrelevant; UPS download provided no data; (Defendants assume this is not the Tachograph data produced by UPS.)

P-44: See Defendants' motion in limine

P-45: (Lovelace's deposition; not relevant)

P-46: See Defendants' motion in limine

P-47: See Defendants' motion in limine; not relevant

P-49: Jury instructions should be the only source of law provided to jury

P-50: See Defendants' motion in limine

P-51: inadmissible under Fed. R. Evid. 411

P-52: category too broad to allow objection; most pleadings are irrelevant; may contain information excludable under F.R.E. 411, 403

P-53: See Defendants' motion in limine; jury instructions should be only source of law provided to jury

P-54: Jury instructions should be the only source of law provided to jury

P-55: Jury instructions should be the only source of law provided to jury

P-57: Not disclosed or produced in discovery

P-58: Not disclosed or produced in discovery

P-59: Photos are not sufficiently identified to allow objection - if these are part of Remy report already produced, Defendants request assistance in identifying and will withdraw objection. (WORDS ON IMG 1130 AND 1495 REMOVED
THEREFORE DEFENDANTS' OBJECTION WITHDRAWN)

P-60: If this is part of Remy report, Defendants request assistance in identifying it and will withdraw objection; if not already produced, Defendants object on that ground.

P-61: If this is not the same as P-24 (VORAD data), Defendants object as not produced; if this is part of Remy report, Defendants request assistance in identifying it and will withdraw objection; if not already produced, Defendants object on that ground. (DEFENDANTS' OBJECTION WITHDRAWN)

b. To be offered by the Defendants:

NO.	DESCRIPTION	SPONSOR	ID.	EVID.
D1	Dugda's Driver Logs for 8/10/16 and 8/11/16			
D2	J.B. Hunt Load Confirmation			
D3	NFI Gate Traffic Log			

D4	NFI Driver's Daily Sign In Log			
D5	Documentation of fuel purchase including computer monitor photo and affidavit of Sherri Kessler *Combined D5, D49, D50 & D54			
D6	Recording of Dugda's 911 call			
D7	Driver/Vehicle Examination Report (signed by Willie Craft and Zewdie Dugda)			
D8	Record of post-accident alcohol and drug screens (Dugda)			
D9	Record of Annual Inspection (Dugda trailer)			
D10	CV of Preston Scarber, Jr., Ph.D., P.E.			
D11	Testimony history of Preston Scarber			
D12	Fee schedule of Preston Scarber			
D13	Report of Preston Scarber, Jr., Ph.D., P.E.			
	Laboratory photographs of light bulbs from Franklin trailer (6)			
D14	Photo of Franklin left side rear (1)			
D15	Photo of Franklin left side rear (2)			
D16	Photo of Franklin right side rear (1)			
D17	Photo of Franklin right side rear (2)			
D18	Photo of Franklin top middle rear (1)			
D19	Photo of Franklin top middle rear (2)			
	Laboratory photographs of light bulbs from Dugda trailer (10)			
D20	Photo of Dugda left inner rear (1)			
D21	Photo of Dugda left inner rear (2)			

D22	Photo of Dugda left inner rear (3)			
D23	Photo of Dugda left outer rear (1)			
D24	Photo of Dugda left outer rear (2)			
D25	Photo of Dugda left outer rear (3)			
D26	Photo of Dugda left side rear (1)			
D27	Photo of Dugda left side rear (2)			
D28	Photo of Dugda right side rear (1)			
D29	Photo of Dugda right side rear (2)			
D30	Report and data from the VORAD system on the Volvo tractor operated by Derrick Franklin (full report)			
D31	Article: "Operation of the Eaton VORAD Collision Warning System and Analysis of the Recorded Data," Danaher et al, SAE International (2009)			
D32	Tachograph Report from Robinson UPS truck			
D33	Photograph of accident scene (UPS 6 061) (westernmost gouge marks)			
D34	Photograph of accident scene (UPS 6 077) (2 stripes from vehicles at rest)			
D35	Photograph of accident scene (UPS 3 053) (HP 0652)			
D36	Photograph of Franklin tractor/trailer at accident scene (UPS 6 035)			
D37	Highway Patrol Measurement Log			
D38	Scarber aerial view of accident scene with locations documented on Highway Patrol Measurement Log			
D39	Scarber aerial view of accident scene showing vehicles at final rest			
D40	Photo of Franklin trailer showing king pin			
Photos of Franklin fifth wheel				
D41	Photograph of passenger side of fifth wheel			
D42	Photograph of passenger side of fifth wheel			

D43	Photograph of passenger side of fifth wheel			
D44	Photograph of driver side of fifth wheel			
D45	Photograph of driver side of fifth wheel			
D46	Photograph of driver side of fifth wheel			
D47	Supplement to the report of Preston Scarber, Jr., Ph.D., P.E.			
D48	Report of Mike Howell			
D49	Howell table of time adjustments (Dugda DDEC data)			
D50	Howell log and DDEC Analysis 8/10-8/11/16			
D51	Screen shot made by technician at time of download of Dugda ECM Report			
D52	Supplement to the report of Mike Howell			
D53	Derrick Franklin's deposition transcript with Exhibits		X	
D54	Records of Franklin medical examination for CDL certification 06/22/2015 (Concentra Medical Centers, Lawrence Powell, MD)			
D55	Report of Dr. Howard Katz			
D56	Derrick Franklin's Medical Records: DF127 DF373 DF379 DF1356 DF1362 DF1365 DF1368 DF1391 DF1425 DF1428 DF1436 DF1437 DF1481 DF1488 DF1502 DF1518 DF1520			

D57	Report of Dr. Ed Rigdon			
D58	Report of Dane Maxwell			
D59	Derrick Franklin driver logs produced November 13, 2017 (also in deposition)			

1. Scarber aerial view of accident scene

The authenticity and admissibility in evidence of the preceding exhibits are stipulated. If the authenticity or admissibility of any of the preceding exhibits is objected to, the exhibit must be identified below, together with a statement of the specified evidentiary ground(s) for the objection(s):

D2 Relevance; hearsay; authenticity; Rules 401, 403, 801, 803, 804, 901, 902

D3 Relevance; hearsay; authenticity; Rules 401, 403, 801, 803, 804, 901, 902 (ALSO, OBJECT TO AFFIDAVIT OF PERRI MANNO AS NOT PRODUCED UNTIL SEPTEMBER 5, 2018 AND NOT IDENTIFIED OR PRODUCED IN DISCOVERY AND DOES NOT COMPLY WITH FRE)

D4 Relevance; hearsay; authenticity; Rules 401, 403, 801, 803, 804, 901, 902 (ALSO, OBJECT TO AFFIDAVIT OF PERRI MANNO AS NOT PRODUCED UNTIL SEPTEMBER 5, 2018 AND NOT IDENTIFIED OR PRODUCED IN DISCOVERY AND DOES NOT COMPLY WITH FRE)

D5 Relevance; hearsay; authenticity; Rules 401, 403, 801, 803, 804, 901, 902

D6 Hearsay; authenticity; Rules 801, 803, 804, 901, 902; Rule 26; Not produced in discovery but objections may be withdrawn if counsel has opportunity to review

D7 Relevance; hearsay; authenticity; Rules 401, 403, 801, 803, 804, 901, 902

D8 Relevance; hearsay; authenticity; Rules 401, 403, 801, 803, 804, 901, 902

D9 Relevance; hearsay; authenticity; Rules 401, 403, 801, 803, 804, 901, 902

D10 Duplicative, waste of time; Rule 403; Do not object to being marked for ID

D11 Duplicative, waste of time; Rule 403; Do not object to being marked for ID

D12 Duplicative, waste of time; Rule 403; Do not object to being marked for ID

D13 Duplicative, waste of time; Rule 403; Do not object to being marked for ID

D31 Relevance; hearsay; duplicative, waste of time; Rules 401, 403, 801, 803, 804; Do not object to being marked for ID

D39 Reviewed by plaintiff and objection was withdrawn

D40 Relevance; speculation, unreliable expert opinion; *Daubert*; Rules 401, 403, 701, 702; Also, please see Plaintiff's Motion in Limine

D41 Relevance; speculation, unreliable expert opinion; *Daubert*; Rules 401, 403, 701, 702; Also, please see Plaintiff's Motion in Limine

D42 Relevance; speculation, unreliable expert opinion; *Daubert*; Rules 401, 403, 701, 702; Also, please see Plaintiff's Motion in Limine

D43 Relevance; speculation, unreliable expert opinion; *Daubert*; Rules 401, 403, 701, 702; Also, please see Plaintiff's Motion in Limine

D44 Relevance; speculation, unreliable expert opinion; *Daubert*; Rules 401, 403, 701, 702; Also, please see Plaintiff's Motion in Limine

D45 Relevance; speculation, unreliable expert opinion; *Daubert*; Rules 401, 403, 701, 702; Also, please see Plaintiff's Motion in Limine

D46 Relevance; speculation, unreliable expert opinion; *Daubert*; Rules 401, 403, 701, 702; Also, please see Plaintiff's Motion in Limine

D47 Duplicative, waste of time; Rule 403; Do not object to being marked for ID

D48 Duplicative, waste of time; Rule 403; Do not object to being marked for ID

D49 Now combined with D5

D50 Now combined with D5

D54 Now combined with D5

D55 Duplicative, waste of time; Rule 403; Do not object to being marked for ID now D48

D56 Duplicative, waste of time; Rule 403; Do not object to being marked for ID now D53

D59 Relevance; hearsay; authenticity; Rules 401, 403, 801, 803, 804, 901, 902; Also, please see Plaintiff's Motion in Limine now D54

D60 Duplicative, waste of time; Rule 403; Do not object to being marked for ID Now D55

D61 Relevance; hearsay; authenticity; collateral source; Rules 401, 403, 801, 803, 804, 901, 902; Also, please see Plaintiff's Motion *in Limine* (ALSO, SUBJECT TO REDACTION AND SUBJECT TO COURT'S RULINGS ON PLAINTIFF'S MOTIONS IN LIMINE) Now D56

D62 Relevance, duplicative, waste of time; hearsay; authenticity; Rules 401, 403, 801, 803, 804, 901, 902; Also, please see Plaintiff's Motion *in Limine* now D57

11. The following is a list and brief description of charts, graphs, models, schematic diagrams, and similar objects which will be used in opening statements or closing arguments, but which **will not** be offered in evidence:

PLAINTIFF'S DEMONSTRATIVE EXHIBITS:

1. 20 Photos of scene for Shane Remy
2. Shane Remy aerial view of scene diagram with photographs
3. Shane Remy VORAD Data
4. Damages chart
5. Shane Remy Base Scene Diagram
6. 2D Models of the Trucks

DEFENDANT'S DEMONSTRATIVE EXHIBITS

1. Defendants' Toy Model of Truck

Objections, if any, to use of the preceding objects are as follows:

DEFENDANT'S OBJECTIONS TO PLAINTIFF'S DEMONSTRATIVE EXHIBITS:

1. Not disclosed, or photos are not sufficiently identified to allow objection - if these are part of Remy report already produced, Defendants request assistance in identifying and will withdraw objection.

2. Not disclosed. If this is part of Remy report, Defendants request assistance in identifying it and will withdraw objection; if not already produced, Defendants object on that ground.

3. If this is not the same as P-24 (VORAD data), Defendants object as not produced; if this is part of Remy report, Defendants request assistance in identifying it and will withdraw objection; if not already produced, Defendants object on that ground.

4. Not produced in discovery but objection may be withdrawn if counsel has an opportunity to review.

PLAINTIFF'S OBJECTIONS TO DEFENDANT'S DEMONSTRATIVE EXHIBITS

1 Rule 26; Not produced in discovery but objection may be withdrawn if counsel has an opportunity to review

If any other objects are to be used by any party, such objects will be submitted to opposing counsel at least three business days before trial. If there is then any objection to use of the objects, the dispute will be submitted to the court at least one business day before trial.

12. The following is a list of witnesses Plaintiff anticipates calling at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the trial judge before commencement of trial. The listing of a **WILL CALL** witness constitutes a professional representation, upon which opposing counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary.

<u>Name</u>	<u>Will/ May Call</u>	<u>[F]act/ [E]xpert [L]iability/ [D]amages</u>	<u>Business Address & Telephone Number</u>
1. Franklin, Derrick	Will	F, L, D	Contact through counsel
2. Bell, Dr. Ralph	May	F, E, L, D	Contact through counsel
3. Benamon, Roy	May	F, L, D	Mississippi Highway Patrol 910 Highway 11 and 80 East Meridian, MS 39301 601-693-1926
4. Craft, Willie	May	F, L, D	Mississippi Highway Patrol 910 Highway 11 and 80 East Meridian, MS 39301 601-693-1926
5. Dority, Josh	May	F, L, D	Mississippi Highway Patrol 910 Highway 11 and 80 East Meridian, MS 39301 601-693-1926
6. Dugda, Zewdie	May	F, L, D	8009 Glenside Drive Dallas, TX 75089
7. Franklin, Danita	May	F, L, D	Contact through counsel

8. Lovelace, Brad	May	F, L, D	11985 Graymont Boulevard Moundville, AL 35474
9. Maxwell, Dane	May	F, E, L, D	CMV Investigations
10. Remy, Shane	May	F, E, L, D	Contact through counsel
11. Skymile through owner Ibrahim Hassan	May	F, E, L, D	P.O. Box 830561 Stone Mountain, GA 30083
12. Thorpe, Robert	May	F, L, D	395 Snapping Shoals Road McDonough, GA 30252
13. Williams, Demetrius	May	F, D	2450 Spring Garden Drive Atlanta, GA 30315
14. University of MS Medical Center	May	F, E, D	2500 North State Street Jackson, MS 39216
15. Alexander, Brett	May	F, E, L, D	ASI Investigations P.O. Box 16181 Hattiesburg, MS

Will testify live.

If called, all of the above except Robert Thorpe.

Will testify by deposition:

If called, Robert Thorpe.

State whether the entire deposition, or only portions, will be used. Counsel **must** confer, no later than twenty-one days before the commencement of trial, to resolve **all** controversies concerning **all** depositions (electronically recorded or otherwise). All controversies not resolved by the parties **must** be submitted to the trial judge not later than fourteen days before trial. All objections not submitted within that time are waived.

Please see Plaintiff's Page/Line Designation for Robert Thorpe

13. The following is a list of witnesses Defendant anticipates calling at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the trial judge before commencement of trial. The listing of a **WILL CALL** witness

constitutes a professional representation, upon which opposing counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary.

			<u>Will/</u> <u>May</u> <u>Call</u>	<u>[F]act/</u> <u>[E]xpert</u> <u>[L]iability/</u> <u>[D]amages</u>	<u>Business Address &</u> <u>Telephone Number</u>
1.	Preston Scarber		Will	E, L	130 Citation Court, Homewood, AL
2.	Dr. Howard Katz		Will	E, D, L	1190 North State, Ste. 202 Jackson, MS
3.	Mike Howell		Will	E, L	104 Oak Street Pearl, MS 39208
4.	Dr. Edward Rigdon		Will	E, L, D	348 Crossgates Blvd., Brandon, MS 39042
5.	Willie Craft		May	E,F, L	MHSP – Troop H, 910 US11, Meridian MS
6.	Zewdie Dugda		Will	F, L	8009 Glenside Dr. Rowlett, TX
7.	Brandy Lovett Meridian, MS		May	F	Rush Primary Health,

Will testify live.

All witnesses will testify live

Will testify by deposition:

State whether the entire deposition, or only portions, will be used. Counsel **must** confer, no later than twenty-one days before the commencement of trial, to resolve **all** controversies concerning **all** depositions (electronically recorded or otherwise). All controversies not resolved by the parties **must** be submitted to the trial judge not later than fourteen days before trial. All objections not submitted within that time are waived.

14. This () is _____ is not a jury case.

15. Counsel suggests the following additional matters to aid in the disposition of this civil action:

16. Counsel estimates the length of the trial will be 4-5 days.

17. As stated in paragraph 1, this pretrial order has been formulated (a) at a pretrial conference before a judicial officer, notice of which was duly served on all parties, and at which the parties attended as stated above, or (b) the final pretrial conference having been dispensed with by the judicial officer, as a result of conferences between the parties. Reasonable opportunity has been afforded for corrections or additions prior to signing. This order will control the course of the trial, as provided by Rule 16, Federal Rules of Civil Procedure, and it may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice.

ORDERED, this the 10th day of September, 2018.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE

/s/Rocky Wilkins
Attorney for Plaintiff

/s/Rob Mink, Sr.
Attorney for Defendant

UNITED STATES MAGISTRATE JUDGE
